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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,565	03/21/2001	Mutsuou Tanoue	Q63506	2639

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SUGHRUE, MION, ZINN, MACPEACK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

BHATTACHARYA, SAM

ART UNIT PAPER NUMBER

2687

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,565

Applicant(s)

TANOUE ET AL.

Examiner

Sam Bhattacharya

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 9, 12-19, 22-24, 31 and 32 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 10, 11, 20, 21 and 25-30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-5, 8, 9, 12-19, 22-24, 31 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Flick (US 6,512,465 B2).

Regarding claims 1, 9, 13, 14 and 19, Flick discloses a mobile system which is mounted on a mobile unit, including a position measuring section (GPS receiver 42) for measuring the position of the mobile unit; and a controller for determining whether or not continuing the position measuring operation is required after a main operation of the mobile unit has stopped (vehicle is stopped) and for controlling the position measuring section to continue the position measuring operation after stopping a the main operation when the position measuring operation is required. See FIG. 2 and col. 18, lines 50-56.

Regarding claim 2, Flick discloses a positioning stopper for stopping the position measuring operation under the control of the controller. See col. 19, lines 1-4.

Regarding claim 3, Flick discloses that the positioning stopper comprises a clock section which starts the clocking after stopping the main operation. See col. 18, lines 56-58.

Regarding claim 4, Flick discloses an operation stop detector (vehicle sensor) for detecting the stop of the main operation; wherein the operation stop detector is provided on a power line for supplying an electric power to the mobile system. See col. 19, lines 4-7.

Regarding claims 5 and 15, Flick discloses that the controller determines that continuing the position measuring operation is required after the main operation has stopped when the mobile system moves after the main operation has stopped. See col. 18, lines 54-55.

Regarding claims 8 and 18, Flick discloses that the controller determines that continuing the position measuring operation is required after the main operation has stopped when a substantial amount of time would be required for the position measuring section to reacquire position data to measure the position of the mobile system once the main operation is resumed. See col. 18, lines 58-64.

Regarding claims 12 and 22, Flick discloses that the controller instructs the position measuring section to stop performing the position measuring operation after the main operation has stopped when the position measuring operation is not required. See col. 19, lines 1-4.

Regarding claims 23, 31 and 32, Flick discloses a system which is mounted on a mobile unit, including a first power source 61 that outputs a first power signal; a second power source 54 that outputs a second power signal; a position measuring circuit (GPS receiver 42) that receives data that is transmitted from an external source, wherein the data is used to determine a position

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of the mobile unit; and a control circuit that determines if the first and second power signal is appropriate, wherein, if the first and second power signal is not appropriate, the control circuit determines whether or not continuing to determine the position of the mobile unit is required, and wherein, if continuing to determine the position of the mobile unit is required, the control circuit instructs the first power signal to be at least indirectly supplied to the position measuring circuit. See col. 18, lines 40 – col. 19, line 14.

Regarding claim 24, Flick discloses that the mobile unit is a vehicle and wherein the system further comprises an ignition switch, and wherein the second power signal is not appropriate when the ignition switch is off and wherein the second power signal is appropriate when the ignition switch is on. See col. 15, lines 18-49.

Allowable Subject Matter

3. Claims 6, 7, 10, 11, 20, 21 and 25-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose that the position measuring section comprises a GPS receiver and a terrestrial-based position sensing circuit, and wherein the controller determines that the mobile system moves after the main operation has stopped when there is continuous output from the terrestrial-based position sensing circuit after the main operation has stopped, as in claims 6 and 16; the prior art of record fails to disclose a GPS receiving circuit and a terrestrial-based position sensing circuit, and wherein the controller determines that continuing the position

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measuring operation is required after the main operation has stopped when an output of the terrestrial-based position sensing circuit is not reliable, as in claims 10 and 20; the prior art of record fails to disclose that when the second power signal is not appropriate, the control circuit instructs the first power signal to be at least indirectly supplied to the position measuring circuit when both continuing to determine the position of the mobile unit is required and a predetermined time has not elapsed since the second power signal has not been appropriate, as in claim 25.

Response to Arguments

4. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (703) 605-1171.

The examiner can normally be reached on weekdays 8:30 a.m. to 6:00 p.m., first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (703) 305-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb


12/18/07
LESTER G. KINCAID
PRIMARY EXAMINER